

### **REMARKS**

The Applicants wish to thank the Examiner for the thorough review and consideration of the pending application. The Office Action dated July 18, 2006 has been received and its contents carefully reviewed. Claim 1 has been amended and claim 3 has been cancelled. Accordingly, claims 1, 2 and 4 are currently pending. Reexamination and reconsideration are respectfully requested.

The Applicants thank the Examiner for indicating that claims 1-4 would be allowable if the rejection under 35 U.S.C. 112, 2<sup>nd</sup> paragraph is overcome.

The Office Action objected to the drawings for failing to show the installation of the electrodes in the outer tub as described in the specification and claimed in the instant invention. The Applicants respectfully traverse this objection.

A drawing is only required to graphically depict elements that are necessary for a proper understanding of the invention. Conventional features and unnecessary details are not required. See M.P.E.P. 608.02(d). In the present application, the sensor electrodes are already graphically depicted in Figures 3-5; a graphical representation of their precise location is not required for a proper understanding of the invention, particularly in light of the specification. See, for example, paragraph [0022], lines 5-10. Accordingly, the Applicants request that this objection be withdrawn.

The Office Action rejected claims 1-4 under 35 U.S.C. § 112, second paragraph, as being indefinite for allegedly failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. It is noted that claim 1 has been amended to include all the subject matter in now cancelled claim 3. More specifically, the Office Action questions the essential structural cooperative relationship between the means by which the spherical conductor is conveyed between the supported position and between the electrical short position. The Applicants respectfully traverse this rejection.

The means by which the spherical conductor is conveyed between the supported position and the electrical short position is not necessarily structural. Thus, requiring Applicants to amend the claim to include such structure would unnecessarily limit the claims.

The Office Action suggests that by adding gravity, centrifugal force or vibration as one of the features of the claim, it would overcome the rejection. These suggestions are not structural features, they are forces that may or may not be involved. As such, it would be overly limiting to include any one or more of these non-structural terms in the claims. Currently, the claim is written to encompass these and other scenarios.

For the above reason, the Applicants submit that claims 1-4 are allowable and request that the Examiner withdraw the 112 rejection.

The application in condition for allowance and early, favorable action is respectfully solicited. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

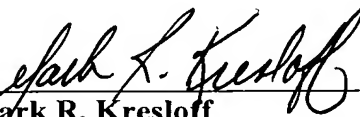
Application No.: 10/716,436  
Amdt. dated October 18, 2006  
Reply to Office Action dated July 18, 2006

Docket No.: 9988.069.00

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Dated: October 18, 2006

Respectfully submitted,

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